

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants are submitting the present Amendment without prejudice to the subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this paper, and explicitly reserve the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 1-4 were pending in this application when last examined and stand rejected.

Claim 1 has been amended to incorporate the subject matter of claims 2 and 3. Further support can be found in the disclosure, for example, at page 7, lines 5-12, and page 14, lines 7-8. In addition, minor editorial revisions have been made to claims 1 and 4 to better conform to U.S. claim form. Such revisions are non-substantive and not intended to narrow the scope of protection.

Claims 2 and 3 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

New claim 14 has been added which corresponds to original claims 1-3, and the disclosure, for example, at page 7, lines 5-12, and page 14, lines 7-8, and the Abstract.

No new matter has been added by the above claim amendments.

Claims 1, 4 and 14 are pending upon entry of this amendment.

Applicants note that the subject matter of the amended and new claims has already been considered by the Office. Accordingly, if the next Office Action on the merits includes a new rejection of one or more claims, the Action must be non-final.

Applicants thank the Examiner for the careful examination of this case and respectfully request reexamination and reconsideration of the case, as amended. Below Applicants address the rejections levied in the Office Action and explain why the rejections are not applicable to the pending claims as amended.

## **II. INFORMATION DISCLOSURE STATEMENTS**

Kindly consider the references submitted with the Information Disclosure Statements filed January 22, 2008 and March 26, 2008, and then return Examiner-initialed PTO-1449 forms indicating such.

**III. CLAIM OBJECTION**

Claims 1-4 were objected to as containing minor informalities for the reasons set forth in items 2-8 on pages 2-3 of the Office Action. This objection is respectfully traversed. The claims have been amended to better conform to U.S. practice. This objection is believed to be overcome, and withdrawal thereof is respectfully requested.

**IV. INDEFINITENESS REJECTION**

Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth in items 10-11 on page 3 of the Office Action. This rejection is respectfully traversed.

The claims have been amended to better conform to U.S. practice and to be more clearly a product-by-process claim. In this regard, it is noted that a product may be properly recited as a product-by-process claim. See M.P.E.P. § 2173.01. The claims are thus clear, definite and conform to U.S. practice.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

**V. PRIOR ART REJECTIONS**

Claim 1 was rejected under 35 U.S.C. § 103(a) as obvious over AMANO et al. (U.S. 5,180,631) for the reasons in item 14 on page 4 of the Office Action.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious over AMANO et al. (U.S. 5,180,631) in view of HONDA et al. (U.S. 3,968,198) for the reasons in item 15 on page 15 of the Action.

Claim 4 was rejected under 35 U.S.C. § 103(a) as obvious over AMANO et al. (U.S. 5,180,631) in view of KUBOTA et al. (JP 6-279689) for the reasons in item 16 on page 15 of the Action.

Claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as obvious SPILLNER et al. (U.S. 5,306,553) for the reasons in item 17 on page 6 of the Action.

These rejections are respectfully traversed.

For the sole purpose of expediting prosecution and not acquiesce to the rejections, claim 1 has been amended to incorporate the subject matter of claim 3, which was free from these rejections. Claim 1 is thus instantly patentable over the above-cited references. Claim 4 is also patentable over the cited references for the same reasons in view of its dependency on claim 1.

The rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

#### VI. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in

condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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